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September 11, 2002

BY HAND DELIVERY

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, Massachusetts 02110

Re: Fitchburg Gas and Electric Light Company, D.T.E. 02-25

Dear Ms. Cottrell:

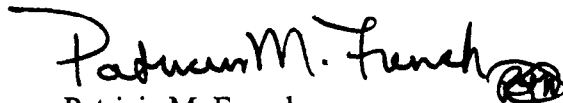
Enclosed for filing on behalf of Fitchburg Gas and Electric Light Company, please find an original and eight copies of a Motion for Protective Treatment for material contained in FG&E's Response to AG-RR-58.

Per the Ground Rules issued by the Hearing Officer in this proceeding, I have contacted the Office of the Attorney General and the Division of Energy Resources ("DOER") to obtain their assent to the Motion. As of this date, the Attorney General has not responded, and the DOER takes no position.

Mary L. Cottrell, Secretary
Department of Telecommunications
And Energy
September 11, 2002
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Thank you for your attention to this matter.

Very truly yours,


Patricia M. French

Enclosures

cc: Jeannie Voveris, Esq., Hearing Officer (3 copies with 1 copy of confidential materials)
Sean Hanley, Asst. Director Rates and Revenues Requirement Division (6 copies with no attachments)
Paul E. Osborne, Asst. Director Rates and Revenue Requirement Division (6 copies with no attachments)
Wilner Borgella, Jr. Assistant Attorney General (2 copies per confidentiality agreement)
Matthew T. Morais, Esq., DOER (2 copies per confidentiality agreement)
Service List (no attachment)

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY**

D.T.E. 02-24/02-25

**MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY
FOR PROTECTIVE TREATMENT**

NOW COMES Fitchburg Gas and Electric Light company ("FG&E") and hereby requests that the Department of Telecommunications and Energy (the "Department") grant protection from public disclosure of certain confidential, competitively sensitive and proprietary information submitted in this proceeding in accordance with G.L. c. 25, §5D. In support of its Motion, FG&E:

1. Contemporaneous with this Motion, FG&E is filing one record response, the Company's confidential and proprietary response to AG-RR-58 (business information concerning FG&E's largest industrial customer).
2. G.L. c.25, § 5D is specifically designed to protect against disclosure of competitively sensitive information. That provision, in part, provides:

[T]he department may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the department shall protect only so much of the information as is necessary to meet such need.

G.L. c. 25, § 5D.

In determining the existence and extent of such a need, the Department must consider the presumption in favor of disclosure and the specific reasons why disclosure of the disputed information benefits the public interest. Re Connecticut Light & Power Co., D.T.E. 99-80 (1999); Fitchburg Gas and Electric Light Co., D.T.E. 98-121 (1999); Fitchburg Gas and Electric Light Co., D.P.U. 97-5A, p. 4 (1997), *citing* Berkshire Gas Co., D.P.U. 93-187/188/189/190, p. 16 (1994). The utility must show need by a specific factual demonstration. Id. A mere assertion that a particular document is "competitively sensitive" or otherwise confidential is insufficient to meet that burden of proof. Id.

3. The Department has previously granted protective orders to protect confidential financial information from public disclosure. See Fitchburg Gas and Electric Light Co., D.P.U. 95-75, p. 2 (1995) (protected confidential marginal cost information which reflected company's commercially sensitive market transactions in order to maintain FG&E's competitive position). Also, the Department has granted protective treatment of pricing information in order to avoid alerting power suppliers to a company's strategy, which can weaken the company's bargaining position in negotiating future supply contracts. See Fitchburg Gas and Electric Light Co., D.P.U. 97-5A, pp. 3 and 6 (1997); see also Colonial Gas Co., D.P.U. 96-18, p.4 (1996). The Department has also granted protective orders in this proceeding for the responses to data request responses AG-7-6(G), AG-7-52(E) and AG-7-53(E) which provide, among other things, customer volume and revenue information with the latter response dealing specifically with FG&E's largest industrial customer.

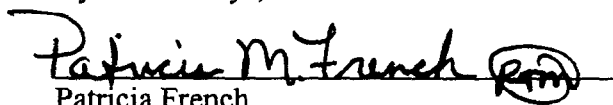
4. In AG RR-58, the Attorney General has requested detailed information regarding FG&E's largest customer's, Newark America's, expected gas and electric revenues. The response to AG-RR-58 should be protected from public disclosure because it contains propriety

confidential business information about Newark America that would not otherwise be provided to the public, by either FG&E or by Newark America. FG&E seeks to protect Newark America's business plan and details of its operations from public disclosure in order to preserve its customer's privacy and to protect the information from Newark America's competitors. Disclosure on the public record in this proceeding of the details of FG&E's customer's load and usage that is contained in the response to AG-RR-58 may also provide unfair advantage to FG&E's competitors, particularly in the increasingly competitive energy industry.

WHEREFORE, FG&E respectfully requests that the Department grant its Motion for Protective Treatment as stated herein, and protect from public disclosure any information or materials which may be produced through discovery, which contain confidential, competitively sensitive or proprietary information.

Respectfully submitted,
**FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY**

By its attorneys,

A handwritten signature in cursive script, appearing to read "Patricia M. French", followed by a circular stamp or mark.

Patricia French
Meabh Purcell

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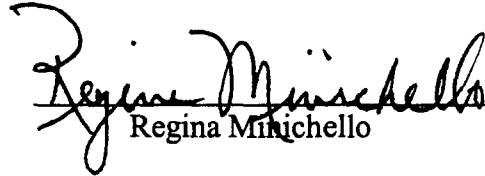
DATED: September 11, 2002

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CERTIFICATION

I, Regina Minichello, certify that I have caused to be served on each of the parties to D.T.E. 02-24/25 a copy of the within Motion for Protective Treatment for AG-RR-58.

Dated at Boston, Massachusetts, this 11th day of September, 2002.


Regina Minichello